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HORNE ANNOUNCES U.S. COURT OF APPEALS STAYS JUDGE'S ORDER UNTIL COMPLETION OF APPEAL

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PHOENIX (Thursday, April 06, 2006) -- State's Schools Chief Tom Horne announced that the U.S. Court of Appeals for the Ninth Circuit granted his request for a stay of the trial judge's order in the *Flores* case, until the appeal is complete. This affects the orders of the trial judge finding that the state was in non-compliance, that the state was in contempt and fines would have to be paid, and that English language learners could graduate without passing the AIMS test, as required by the legislature.

"This is an extremely important development, because it means that the Court of Appeals is taking the issues raised on appeal very seriously, and may reverse the trial judge" Horne said. "This may be a significant step in restoring the ability of the people to rule themselves through their elected representatives, rather than being ruled by an aristocracy of lifetime judges. The 10th Amendment to the U.S. Constitution provides that those powers not expressly delegated to the federal government, be reserved to the states. The details of an education finance system certainly fall within that category."

Horne added: "No one in this state has been more passionately committed to more resources for education than I have. This is especially true with respect to teaching students English. But I want those resources to be applied in a scientific and systematic way, as developed by our legislature, rather than the helter-skelter way that was proposed by the plaintiff."

This stay will also affect the judge's order exempting English language learners from being required to pass the AIMS test to graduate, as had been required by the legislature. The number of ELL students who are now seniors, who have not passed the AIMS test, is about 3,000.

"When the trial judge's ruling was first made, I encouraged ELL students to keep studying, because the decision might be reversed, and because they would need those skills to succeed in the economy," Horne added. "I have been told that many of these ELL students have kept studying and hoped to pass the AIMS. My principle argument, in appealing the trial judge's order is that it would rob these students of the motivation to acquire skills that they would need to succeed in the current economy in which muscle power is no longer adequate, and academic skills are needed to obtain decent jobs."

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